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10/756,086	01/13/2004	Christopher L. Oesterling	GP-304326 (2760/153)	3111

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ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/756,086	OESTERLING, CHRISTOPHER L.
	Examiner	Art Unit
	Dominic E. Rego	2618

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lange et al. (US Patent #6,704,564).

Regarding claims 1,11, and 16, Lange teaches a method of initiating a

vehicle data upload function at a plurality of mobile vehicles, the method

comprising:

monitoring a radio system broadcast channel for a call center initiated

vehicle data upload command signal at the plurality of mobile vehicles;

determining at the plurality of mobile vehicles whether the vehicle data upload

command signal corresponds to a mobile vehicle (Col 4, lines 9-26; Col 5, lines

6-26);

extracting the vehicle data upload command signal from the broadcast

channel based on the determination; and performing a vehicle data upload

function based on the extracted vehicle data upload command signal (Col 5, lines

27-63).

Regarding claims 2,12,and 17, Lange teaches the method further comprising:

determining the plurality of mobile vehicles at a call center based on a service criterion (Col 5, lines 5-26).

Regarding claim 3, Lange teaches the method wherein the vehicle data upload function comprises a vehicle data type (Col 5, lines 26-42).

Regarding claim 4, Lange teaches the method wherein the vehicle data upload command signal comprises at least one telematics unit identifiers *(Col 5, lines 5-10: Lange teaches the trigger configuration signal 150 is transmitted from a service center 170 that communicates with a plurality of telecommunications devices (telematic devices). In order to communicate with a plurality of telecommunication devices (telematic devices), a service center 170 or call center must have an identification number of telematics unit for providing services).*

Regarding claims 5,13,and 18, Lange teaches the method wherein performing the vehicle data upload function comprises:

initiating a vehicle data upload call from a telematics unit in the plurality of mobile vehicles to a call center in response to the vehicle data upload command signal *(Col 3, lines 34-47)*.

Regarding claims 6,14,19, Lange teaches the method wherein performing the vehicle data upload function comprises: initiating a vehicle data storage of data collected by the vehicle in at least one of the plurality of mobile vehicles in response to the vehicle data upload command signal (Col 3, lines 15-25; Col 5, lines 11-26; Col 5, line 64-Col 6, line 5).

Regarding claim 7, Lange teaches the method wherein the vehicle data

upload command signal is associated with a vehicle type (Col 5, lines 27-63; Col

6, lines 6-26).

Regarding claim 8, Lange teaches the method wherein the vehicle data

upload command signal is generated in response to a geographic based

diagnostic event (Col 5, line 27-Col 6, line 26).

Regarding claim 9, Lange teaches the method wherein the vehicle data

type is selected from a group consisting of vehicle performance data, vehicle

diagnostic data, vehicle status data, and vehicle operational data (Col 4, lines 9-

26; Col 5, line 27-Col 6, line 26).

Regarding claims 10,15, and 20, Lange teaches the method wherein

determining at the plurality of mobile vehicles whether the vehicle data upload

command signal corresponds to the mobile vehicle comprises:

comparing the plurality of telematics unit identifiers of the vehicle data upload

command signal to a telematics unit identifier the mobile vehicle; and detecting if

one of the plurality of telematics unit identifiers of the vehicle data upload

command signal matches the telematics unit identifier of the mobile vehicle *(Col*

5, lines 5-lines 62: Lange teaches the trigger configuration signal 150 is

transmitted from a service center 170 that communicates with a plurality of

telecommunications devices where each of the telecommunication devices or

telematic devices have a identifier identify the trigger configuration signal).

Response to Arguments

3.   Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive. Regarding claims 1, 11, and 16, Applicant argues that Lange fails to disclose a vehicle data upload command signal and do not command the telematics unit to upload data. The Examiner respectfully disagrees with the Applicant argument. In Col 5, lines 27-63, Lange teaches figure 2. outlines an example of a method and system for controlling transmission of messages by a telematics device 210. The telematics device 210 preferably includes a wireless transceiver 220 that receives a configuration signal 250 from a service center (call center). The configuration signal 250 preferably comprises a command instructing the device to update (same as upload) its trigger configuration. The command preferably specifies a particular telematics functions to which the trigger configuration signal applies (e.g., traffic reporting, fleet management, vehicle diagnostics, etc.). The configuration signal 250 comprises a dynamic logic expression 262. The configuration signal 250 instructs the telematics device 210 to update a trigger configuration so as to transmit a message relating to fleet management if the dynamic logic expression 262 is satisfied. Also, Applicant argues that Lange fails to disclose the monitoring a radio system broadcast channel for a call center initiated vehicle data upload command signal at the plurality of mobile vehicles. The Examiner disagrees. Col 5, lines 5-63, Lange teaches the trigger configuration signal 150 is transmitted from a service center 170 that communicates with a plurality of telecommunications devices. The telematics device 210 which monitor broadcast

channel for a call center preferably includes a wireless transceiver 220 that receives a configuration signal 250 from a service center. The configuration signal 250 preferably comprises a command instructing the device to update its trigger configuration. The command preferably specifies a particular telematics functions to which the trigger configuration signal applies (e.g., traffic reporting, fleet management, vehicle diagnostics, etc.). The configuration signal 250 comprises a dynamic logic expression 262. The configuration signal 250 instructs the telematics device 210 to update a trigger configuration so as to transmit a message relating to fleet management if the dynamic logic expression 262 is satisfied. Moreover, Applicant argues that Lange's transmission is individually targeted and sent to each of the plurality of telecommunication device and fails to disclose Applicant's step of determining at the plurality of mobile vehicles whether the vehicle data upload command signal corresponds to a mobile vehicle. The Examiner disagrees. In Col 5, lines 5-63, Lange teaches the trigger configuration signal 150 is transmitted from a service center 170 that communicates with a plurality of telecommunications devices which is not an individually targeted, but send all the telecommunication devices. The trigger configuration signal 150 is transmitted from a service center 170 that communicates with a plurality of telecommunications devices. The configuration signal 250 preferably comprises a command instructing the device to update or upload its trigger configuration. The command preferably specifies a particular telematics functions to which the trigger configuration signal applies (e.g., traffic reporting, fleet management, vehicle diagnostics, etc.). The configuration signal

250 comprises a dynamic logic expression 262. " Dynamic logic expression 263

relates to vehicle diagnostics and comprises the following expression: "If

(OIL_TEMPERATURE>150)." A message is transmitted by the telematics device

210 relating to the applicable telematics function if the dynamic logic expression

associated with that function is satisfied same as step of determining at the

plurality of mobile vehicles whether the vehicle data upload command signal

corresponds to a mobile vehicle.

Refer to page 5, Paragraph "Furthermore, there is no .... that

particular vehicle" is not pertinent to this rejections laid out in office action

because no "103" rejections was made by the examiner. Therefore, it's moot

point.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER